

**54-7-17 Stay of commission's order or decision pending appeal.**

- (1) A petition for judicial review does not stay or suspend the operation of the order or decision of the commission.
- (2)
  - (a) The court may stay or suspend, in whole or in part, the operation of the commission's order or decision after at least three days' notice and after a hearing.
  - (b) If the court stays or suspends the order or decision of the commission, the order shall contain a specific finding, based upon evidence submitted to the court and identified by reference, that:
    - (i) great or irreparable damage will result to the petitioner absent suspension or a stay of the order; and
    - (ii) specifies the nature of the damage.
- (3)
  - (a) The court's order staying or suspending the decision of the commission is not effective until a supersedeas bond is executed, filed with, and approved by the commission (or approved, on review, by the court).
  - (b) The bond shall be payable to the state, and shall be sufficient in amount and security to insure the prompt payment by the party petitioning for the review of:
    - (i) all damages caused by the delay in the enforcement of the order or decision of the commission; and
    - (ii) all money that any person or corporation is compelled to pay, pending the review proceedings, for transportation, transmission, product, commodity, or service in excess of the charges fixed by the order or decision of the commission.
  - (c) Whenever necessary to insure the prompt payment of damages and any overcharges, the court may order the party petitioning for a review to give additional security or to increase the supersedeas bond.
- (4)
  - (a) When the court stays or suspends the order or decision of the commission in any matter affecting rates, fares, tolls, rentals, charges, or classifications, it shall order the public utility affected to pay into court, or into some bank or trust company paying interest on deposits, all sums of money collected by the public utility that are greater than the sum a person would have paid if the order or decision of the commission had not been stayed or suspended.
  - (b)
    - (i) Upon the final decision by the court, the public utility shall refund all money collected by it that exceeds the amount authorized by the court's final decision, together with interest if the money was deposited in a bank or trust company, to the persons entitled to the refund.
    - (ii) The commission shall prescribe the methods for distributing the refund.
  - (c)
    - (i) If any of the refund money has not been claimed within one year from the final decision of the court, the commission shall publish notice of the refund:
      - (A)
        - (I) once per week for two successive weeks in a newspaper of general circulation printed and published in the city and county of Salt Lake; and
        - (II) in any other newspapers that the commission designates; and
      - (B) in accordance with Section 45-1-101 for two successive weeks.
    - (ii) The notice shall state the names of the persons entitled to the money and the amount due each person.

- (iii) All money not claimed within three months after the publication of the notice shall be paid by the public utility into the General Fund.
- (5) When the court stays or suspends any order or decision lowering any rate, fare, toll, rental, charge, or classification, after the execution and approval of the supersedeas bond, the commission shall order the public utility affected to keep accounts, verified by oath, that show:
  - (a) the amounts being charged or received by the public utility; and
  - (b) the names and addresses of the persons to whom overcharges will be refundable.

Amended by Chapter 342, 2011 General Session